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Attorneys for Amir Shahmirza

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

Case No. 19-30088 (DM)

PG&E CORPORATION,

Chapter 11

- and -

(Lead Case) (Jointly Administered)

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

**DECLARATION OF SURVEYOR
MICHAEL S. MAHONEY IN SUPPORT
OF OPPOSITION TO OBJECTION TO
CLAIM #2090**

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

Date: July 12, 2022

Time: 10:00 a.m.

**Place: (Tele/Videoconference Appearances
Only)**

**United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102**

I, Michael S. Mahoney, declare:

1. I am, and for over thirty five (35) years have been, a licensed surveyor holding License No. L5577 issued by the State of California.
2. In or about 2018, I was engaged by Komir, Inc., acting by its officer Amir Shahmirza, to perform a survey of the property commonly known as 800 Walnut Street, San Bruno, California, that is described in the Office of the County Assessor as APN 020-155-030 (the "Property").

1 3. I investigated the Property by multiple on-site visits, surveyed the Property and placed
2 markers as commonly used by surveyors to mark the critical points or monuments on the property,
3 analyzed the historical chain of title and all documents of title, and, together with another licensed
4 surveyor in my office, James O'Connell, prepared a Report of Survey 3259.

5 4. After preparing the Report of Survey 3259, I presented that report to the County
6 Surveyor of the County of San Mateo, California, in which the Property is located.

7 5. In order for a Report of Survey to be recordable in the Office of the County Record,
8 the Record of Survey must bear the stamped County Surveyor's Statement attesting to the
9 examination of the survey pursuant to Business & Professions Code §8766 with finding of
10 substantial compliance with the requirements of the content of the Record of Survey as specified in
11 Business & Professions Code §8764.

12 6. The County Surveyor marked the Record of Survey 3259 that I had prepared and
13 submitted to the County Surveyor duly attesting to the requisite examination and compliance and
14 placing the official stamp on the document.

15 7. The Record of Survey 3259 that I prepared and that the County Survey approved as
16 stated above was recorded in the records of the County Recorder in and for the County of San Mateo
17 on November 18, 2018, at VOL 46, PG 40, copy of which is attached as Exhibit A hereto.

18 8. Pursuant to my examination, I determined that the jurisdictional boundary of the City
19 of San Bruno, California, and the boundary line of the Property, were at the same location such that
20 the drawing of those boundary lines would be drawn one on top of the other. Accordingly, I offset
21 the boundary lines for purposes of display.

22 9. In 2022, for clarification, I prepared an amended Record of Survey No. 3259-A on
23 which I added Note "(N7)" that references the offset location of the boundary line of the Property
24 which is the only revision of the Record of Survey 3259-A.

25 10. I presented the Record of Survey 3259-A to the County Surveyor who again approved
26 the survey, marked the survey with the County Surveyor's Statement, and affixed the official seal.

11. The Record of Survey 3259-A was recorded in the records of the County Recorder in

1 and for the County of San Mateo on May 19th, 2022, at VOL 53, PG 33, copy of which is attached as
2 Exhibit B and incorporated herein by this reference.

3 12. The Record of Survey 3259 and the Record of Survey 3259-A (jointly, the “Records
4 of Survey”) state thereon the only existing easements upon the Property.

5 13. The only easement held by PG&E is the easement located on the north westerly end
6 of the property for access for landscape for the small area depicted.

7 14. PG&E does not hold any easements of record, or traceable through recorded
8 documents, for transmission lines across the Property.

9 15. I have spoken with land agents and other representatives of PG&E who expressed the
10 opinion that PG&E held some form of recorded easement rights but none of them ever provided to
11 me any document or other substantiation of any such rights.

12 16. Based on my experience, the appropriate and necessary act to be undertaken by a
13 person who contends that a recorded survey fails to recognize an interest in or on a property is to
14 prepare a Record of Survey consistent with professional standards that presents such other interests
15 and to submit such differing survey to the County Surveyor for examination.

16 17. To my knowledge, PG&E has never submitted any Record of Survey that
17 demonstrates any easements or other interests that PG&E may contend exist and are not shown on
18 my Records of Survey, and no such differing survey has been recorded.

19 18. I have reviewed the Exhibits attached to the Declaration of Steven A. Lamb in
20 Support of Reorganized Debtors’ Objection to Proof of Claim No. 2090 Filed by Amir Shahmirza
21 (Docket No. 12131) and make the following statements with respect thereto:

22 (a) I performed the work necessary to prepare, and did prepare, the Land Surveyor’s
23 Report on Title for Komir, Inc. Located at 800 Walnut Street, San Burno, CA (APN:
24 020-155-030) at pages 5 of 92 through 8 of 92 as marked at the bottom of the pages.
25 The statements and conclusions therein are correct and I adopt them herein as though
26 set forth in full.

(b) I performed the research to prepare, and did prepare, the “Document Listing” that

**DECLARATION OF SURVEYOR MICHAEL S. MAHONEY IN SUPPORT OF
OPPOSITION TO OBJECTION TO CLAIM #2090**

1 appears at pages 9 of 92 and 10 of 92 as marked at the bottom of the pages, that lists
2 the documents that support the delineation of interests as stated on the Records of
3 Survey.

4 (c) The documents identified on the Document List appear as pages 11 of 92 through 78
5 of 92 as marked at the bottom of the pages, with my handwritten notations on those
6 documents.

7 (d) The document at page 84 of 92 is an aerial photo that depicts the Property. I marked
8 this photo with indicators of all of the interests that affect, or may affect, the Property.

9 (e) The opinion expressed by Scott Brady, Land Agent, in his letter that appears on page
10 82 of 92 as marked at the bottom of the page is incorrect and, as stated above, PG&E
11 has never recorded any Record of Survey indicating any such interests.

12 19. My biographical information is contained on my firm's website at
13 <http://www.pls-corp.com/residential.html>.

14 I have personal knowledge of the facts set forth herein and can competently testify thereto.

15 Executed at San Bruno, California, on the 27th of June, 2022.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct.

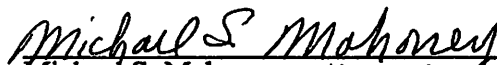
18 
19 Michael S. Mahoney 6/27/22

EXHIBIT A

PURPOSE & BASIS OF SURVEY

THE PURPOSE OF THIS SURVEY IS TO SET MONUMENTS ALONG THE BOUNDARY LINE OF DEED HAVING DOCUMENT #2000-160010.

THE MONUMENTS SET BY RECORD OF SURVEY NO. 3206 REPRESENT THE BEST EVIDENCE OF THE LOCATION OF THE SUBJECT PARCEL BECAUSE SAID RECORD OF SURVEY RECOVERED THE ADJOINING SUBDIVISION INCLUDING THE TERMINUS OF WALNUT STREET AND THE CITY PARK DESCRIBED IN THE DIRECTOR'S DEED BEING RECORDED IN VOLUME 7440 AT PAGE 456, OFFICIAL RECORDS OF SAN MATEO COUNTY. SAID RECORD OF SURVEY USED RECORD BEARINGS AND DISTANCES WITH THE HEREIN DESCRIBED ROTATION, AND SAID DIRECTOR'S DEED ALSO BEING REFERENCED IN THE DEED FOR THE SUBJECT PARCEL BEING DOC #2000-160010, OFFICIAL RECORDS OF SAN MATEO COUNTY AS THE POINT OF COMMENCEMENT.

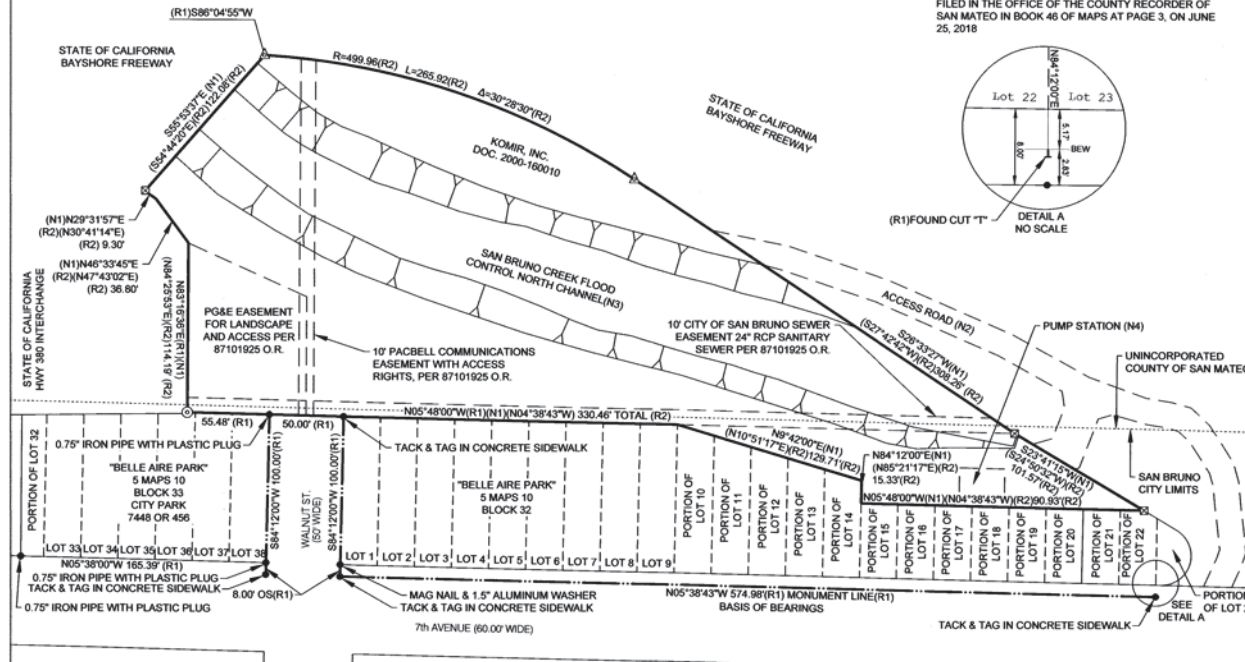
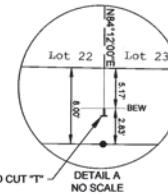
REFERENCES:

- (R1) RECORD OF SURVEY MAP NO. 3206, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO IN BOOK 46 OF MAPS AT PAGE 3, ON JUNE 25, 2018
- (R2) GRANT DEED, DOCUMENT #2000-160010, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY ON DECEMBER 18, 2000



BASIS OF BEARINGS

THE BEARING OF N5°48'00"E BETWEEN TWO MONUMENTS ON THE MONUMENT LINE ON SEVENTH AVE HAVING A DISTANCE BETWEEN THEM OF 574.58', AS SHOWN ON THE RECORD OF SURVEY MAP NO. 3206, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO IN BOOK 46 OF MAPS AT PAGE 3, ON JUNE 25, 2018



NOTES

- (N1) THE DIRECTOR'S DEED FROM THE STATE OF CALIFORNIA TO THE CITY OF SAN BRUNO PER VOL. 7448, PAGE 456 INDICATES THE BEARINGS & DISTANCES ARE ON THE CALIFORNIA COORDINATE SYSTEM, ZONE 3 AND HAVE BEEN ROTATED TO TRUE BEARING OF N5°48'00"W THE BASIS OF BEARINGS OF THIS SURVEY. THE ROTATION FROM TRUE BEARING TO GRID BEARING IS + 1°09'17". THE DEED FOR THE SUBJECT PROPERTY COMMENCES WITH A CALL TO THAT DEED, AND IS SO SAID ROTATION IS USED TO ORIENT THE PROPERTY. THE DISTANCES ARE GROUND DISTANCES SHOWN ON THIS MAP. MULTIPLY GROUND DISTANCE BY 0.999921006 TO OBTAIN GRID DISTANCE.
- (N2) THE SHOWN ACCESS ROAD ACROSS THE LANDS OF THE STATE OF CALIFORNIA IS SHOWN BASED ON THE LIMITS OF THE DRIVEN AREA, AND CONNECTS THE LAND LOCKED PORTION OF THE KOMIR, INC. PROPERTY WITH THE ONSITE ACCESS ROAD AND THE CITY RIGHT OF WAY ON SEVENTH AVENUE AT THE EXISTING CONCRETE DRIVEWAY.
- (N3) NO RECORD DOCUMENTATION FOUND FOR THE RIGHT-OF-WAY FOR THE SAN BRUNO FLOOD CONTROL NORTH CHANNEL (N5)
- (N4) NO RECORD DOCUMENTATION FOUND FOR THE LANDS COMPRISING OF THE EXISTING PUMP STATION (N5)
- (N5) DEED FROM THE STATE OF CALIFORNIA TO NEIL & MELANIE HILDEBRAND PROVIDES ACCESS FROM THE GRANTOR (STATE OF CALIFORNIA) WHO OWNS THE ADJACENT LANDS TO THE GRANTEE (NEIL & MELANIE HILDEBRAND).
- (N6) THE FLOOD CONTROL CHANNEL AND PUMP HOUSE (ITEMS 1 & 2) ARE MAINTAINED BY THE CITY OF SAN BRUNO THROUGH AN AGREEMENT WITH COUNTY OF SAN MATEO FLOOD CONTROL DEPARTMENT.

LEGEND

- BOUNDARY LINE/PROPERTY LINE (PL)
- LINE OF SURVEY/MONUMENT LINE (R1)
- LOT LINES PER ORIGINAL SUBDIVISION
- EASEMENT AS NOTED
- ⊙ SET TACK & 0.75" TAG, STAMPED "L.S. 9392" IN CONCRETE FENCE POST
- ⊙ SET ALUMINUM STAKE & 1.5" ALUMINUM TAG, STAMPED "L.S. 9392"
- ⊙ SET 0.75" IRON PIPE AND PLASTIC PLUG, STAMPED "L.S. 9392"
- FOUND MONUMENT AS NOTED STAMPED "L.S. 557" PER 46 LLS 3
- SET OFF FROM PROPERTY LINE
- TOP AND BOTTOM OF CREEK WITH DIRECTION OF SLOPE
- BACK EDGE OF SIDEWALK

RECORD OF SURVEY NO. 3259

A PARCEL OF LAND BEING THE LANDS OF KOMIR, INC. DESCRIBED IN DEED HAVING DOCUMENT NO. 2000-160010 RECORDED DECEMBER 18, 2000 IN THE OFFICIAL RECORDS SAN MATEO COUNTY, CALIFORNIA

UNINCORPORATED COUNTY OF SAN MATEO CALIFORNIA
SCALE: 1"= 50' OCTOBER 2018

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS ACT AT THE REQUEST OF AMIR SHAMIRZA IN 2018

BY: *James O'Connell*
JAMES O'CONNELL
LS NO. 9392



COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYORS' ACT THIS 19 DAY OF November, 2018.

D. Ian Wilson
D. IAN WILSON
SAN MATEO COUNTY SURVEYOR
L.S. NO. 7010



COUNTY RECORDER'S STATEMENT

FILED THIS 28th DAY OF November, 2018, AT 4:42
P.M. IN VOLUME 46 OF LLS MAPS, AT PAGE 50
AT THE REQUEST OF JAMES K. O'CONNELL

FILE NO. 2018-900147 FEE \$84.00

MARK CHURCH, COUNTY RECORDER
BY: *Mark Church*
DEPUTY

Professional Land Services

James K. O'Connell, P.L.S.
California License Number: 9392
901 Sneath Lane, #117
San Bruno, CA 94066
Phone/FAX 650-244-9967

- * Site Planning * Title Investigations
* Legal Descriptions * Surveying & Mapping



SHEET 1 of 1

[DOC: 2000-160010, PROPERTY AT EASTERLY TERMINUS OF WALNUT STREET]

EXHIBIT B

RECORD OF SURVEY NO. 3259-A

A PARCEL OF LAND BEING THE LANDS OF KOMIR, INC.
DESCRIBED IN DEED HAVING DOCUMENT NO. 2000-160010
RECORDED DECEMBER 18, 2000 IN THE OFFICIAL RECORDS
SAN MATEO COUNTY, CALIFORNIA

UNINCORPORATED COUNTY OF SAN MATEO
SCALE: 1"= 50'

CALIFORNIA
MAY 2022

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY
DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL
LAND SURVEYORS ACT AT THE REQUEST OF AMIR SHAMIRZA IN 2018

BY: *James K. O'Connell*
JAMES K. O'CONNELL
LS NO. 9392

**COUNTY SURVEYOR'S STATEMENT**

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE
PROFESSIONAL LAND SURVEYORS' ACT THIS 13TH DAY OF MAY, 2022.

BY: *Dorian Verhaegen*
D. IAN WILSON - DORIAN VERHAEGEN
SAN MATEO COUNTY SURVEYOR
L.S. NO: 7010 - 9/89

**COUNTY RECORDER'S STATEMENT**

FILED THIS 19TH DAY OF MAY, 2022, AT 2:03
P.M. IN VOLUME 53 OF LLS MAPS, AT PAGE 33
AT THE REQUEST OF JAMES K. O'CONNELL.

FILE NO. 2022-900124 FEE \$84.00

MARK CHURCH, COUNTY RECORDER

BY: *Mark Church*
DEPUTY

PURPOSE & BASIS OF SURVEY

THE PURPOSE OF THIS SURVEY IS TO SET MONUMENTS ALONG THE
BOUNDARY LINE OF DEED HAVING DOCUMENT #2000-160010.

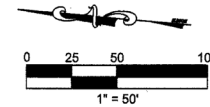
THE MONUMENTS SET BY RECORD OF SURVEY NO. 3206 REPRESENT
THE BEST EVIDENCE OF THE LOCATION OF THE SUBJECT PARCEL
BECAUSE SAID RECORD OF SURVEY RETRACED THE ADJOINING
SUBDIVISION INCLUDING THE TERMINUS OF WALNUT STREET AND THE
CITY PARK DESCRIBED IN THE DIRECTOR'S DEED BEING RECORDED IN
VOLUME 7440 AT PAGE 456, OFFICIAL RECORDS OF SAN MATEO
COUNTY. SAID RECORD OF SURVEY USED RECORD BEARINGS AND
DISTANCES WITH THE HEREIN DESCRIBED ROTATION, AND SAID
DIRECTOR'S DEED ALSO BEING REFERENCED IN THE DEED FOR THE
SUBJECT PARCEL BEING DOC #2000-160010, OFFICIAL RECORDS OF SAN
MATEO COUNTY AS THE POINT OF COMMENCEMENT.

REFERENCES:

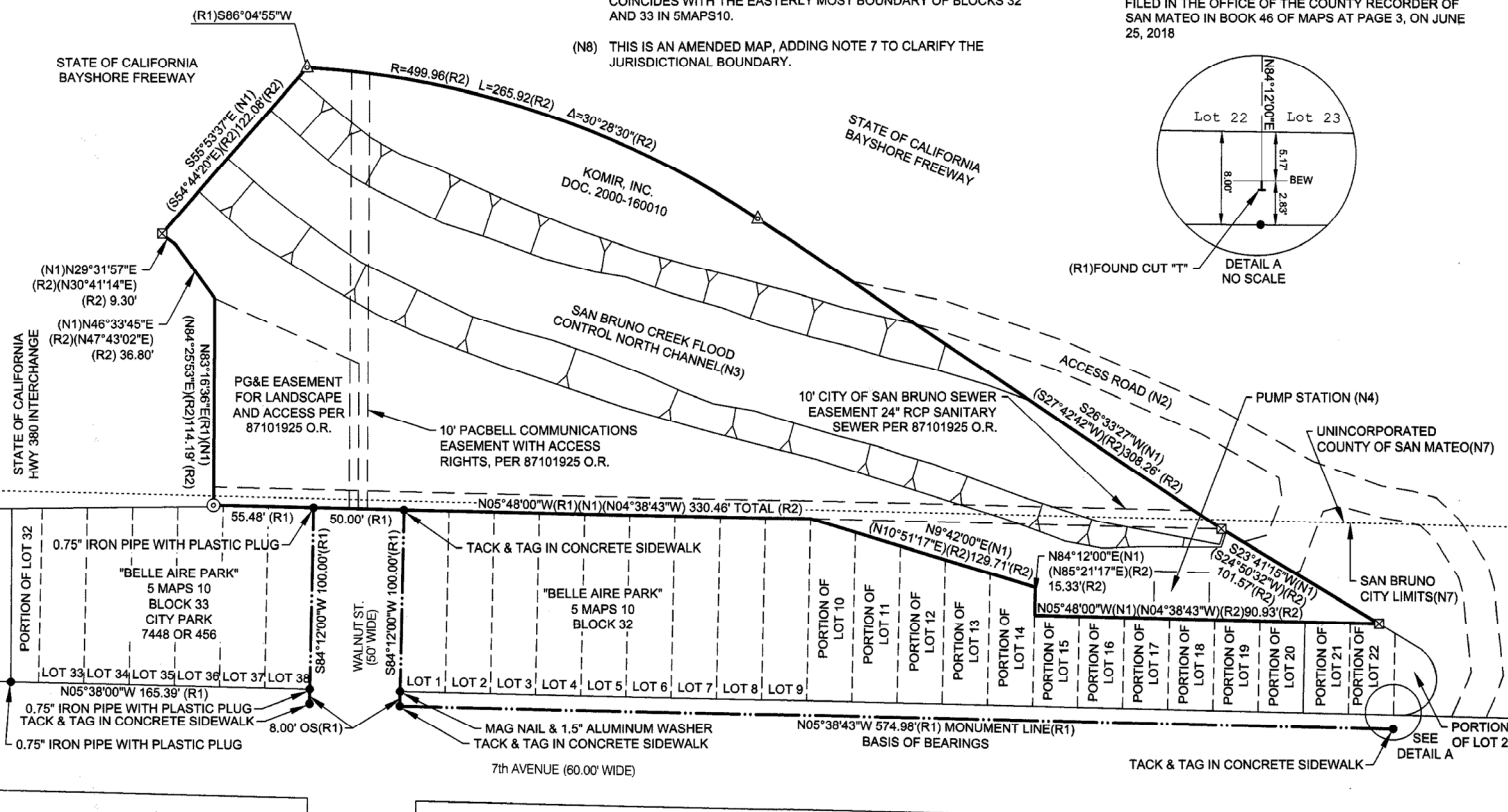
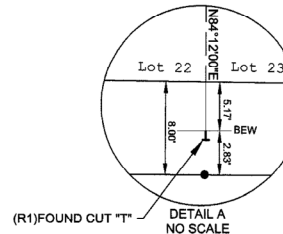
- (R1) RECORD OF SURVEY MAP NO. 3206, FILED IN THE OFFICE
OF THE COUNTY RECORDER OF SAN MATEO IN BOOK 46
OF MAPS AT PAGE 3, ON JUNE 25, 2018
- (R2) GRANT DEED, DOCUMENT #2000-160010, RECORDED IN
THE OFFICE OF THE RECORDER OF SAN MATEO COUNTY
ON DECEMBER 18, 2000

NOTES - CONTINUED

- (N7) THE JURISDICTIONAL BOUNDARY IS SHOWN AS AN OFFSET TO
DIFFERENTIATE BETWEEN THE PROPERTY BOUNDARY. THE LINE
COINCIDES WITH THE EASTERLY MOST BOUNDARY OF BLOCKS 32
AND 33 IN 5MAPS10.
- (N8) THIS IS AN AMENDED MAP, ADDING NOTE 7 TO CLARIFY THE
JURISDICTIONAL BOUNDARY.

**BASIS OF BEARINGS**

THE BEARING OF N5°48'00"E BETWEEN TWO
MONUMENTS ON THE MONUMENT LINE ON SEVENTH
AVE HAVING A DISTANCE BETWEEN THEM OF 574.58', AS
SHOWN ON THE RECORD OF SURVEY MAP NO. 3206,
FILED IN THE OFFICE OF THE COUNTY RECORDER OF
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25, 2018

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LEGEND

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--- LOT LINES PER ORIGINAL SUBDIVISION
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⊠ SET 0.75" IRON PIPE AND PLASTIC PLUG, STAMPED "L.S. 9392"
● FOUND MONUMENT AS NOTED STAMPED "L.S. 5577" PER 46 LLS 3
OS OFF SET FROM PROPERTY LINE
TOP AND BOTTOM OF CREEK WITH DIRECTION OF SLOPE
BEW BACK EDGE OF SIDEWALK

Professional Land Services

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Phone/FAX 650-244-9867

- * Site Planning * Title Investigations
* Legal Descriptions * Surveying & Mapping

